



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,125	12/29/2000	Luke A. Johnson	INTL-0513-US (P10388)	8725
21906	7590	02/22/2006	EXAMINER	
TROP PRUNER & HU, PC 8554 KATY FREEWAY SUITE 100 HOUSTON, TX 77024			TRAN, KHAI	
			ART UNIT	PAPER NUMBER
			2637	

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

67C

Office Action Summary	Application No.	Applicant(s)	
	09/752,125	JOHNSON, LUKE A.	
	Examiner	Art Unit	
	KHAI TRAN	2637	

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -
Period for Reply

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12 December 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 19-21 is/are allowed.
- 6) Claim(s) 1-3, 10, 23 and 24 is/are rejected.
- 7) Claim(s) 4-9, 11-18 and 25-28 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. The amendment filed 12/12/2005 has been entered. Claims 1-28 are pending in this Office action.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 10, 23-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Velazquez et al (U.S. Pat. 6,177,893).

Regarding claim 1, Velazquez et al disclose a storage device (an array having a plurality of converters, see col. 8, lines 7-33, therefore, the array is equivalent to the storage), a block (a compensation circuit 250) to adjust the position of the data in the storage device to account for the sampling rate of the apparatus being different than a rate of a received data (see col. 8, lines 7-33, wherein the compensation circuit may also include rate changers to adjust the signal rate from the rate used by the converters in the **array** to the effective sample rate of the full system. For example, if the individual converters in the **array** are sampling at $1/M$ the effective sample rate of the full system, then digital upsamplers can be used to increase the rate by a factor of M to equal that of the system output).

Regarding claim 2, Velazquez et al disclose wherein the block adjusts a portion of the data in response to receiving a plurality of bits in a response to sampling a portion of an incoming data (a use of adjustment of the portion of the data is performed by decreasing or increasing the data rate of the signals to the converter array by a factor of M, see col. 10, line 36 to col. 11, line 16, see col. 6, lines 44-57).

Regarding claim 3, Velazquez et al disclose the block comprising a detector to detect the at least one sampling error (a decomposition 120).

Claim 10 is similar to claim 1. Furthermore, Velazquez et al disclose that a sampling used to sample incoming data using a plurality of sampling clocks to provide a plurality of samples (a clock circuit 240, see col. 7, lines 40-52).

Claim 22 is similar to claim 1. Therefore, claim 22 is rejected under a similar rationale.

Claim 23 is similar to claim 2. Therefore, claim 2 is rejected under a similar rationale.

Claim 24 is similar to claim 3. Therefore, claim 24 is rejected under a similar rationale.

Allowable Subject Matter

4. Claims 19-21 are allowed.
5. Claims 4-9, 11-18, 25-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHAI TRAN whose telephone number is (571) 272-3019. The examiner can normally be reached on 7:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JAY PATEL can be reached on (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Khai Tran
Primary Examiner
Art Unit 2637